

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

LEON ROBINSON,

Plaintiff,

V.

THOMAS MENINO et al.,

Defendants.

CIVIL ACTION  
NO. 04-11023-RCL

**ANSWER OF DEFENDANTS AMERICAN BROADCASTING COMPANIES, INC.  
(SUED INCORRECTLY AS AMERICAN BROADCASTING CO., INC.), AND  
HEARST-ARGYLE TELEVISION, INC. (SUED INCORRECTLY AS HEARST-  
ARGYLE STATION, INC., AND WCVB TV (CHANNEL 5 BOSTON) TO  
PLAINTIFF'S AMENDED COMPLAINT**

Defendants American Broadcasting Companies, Inc. (incorrectly sued herein as American Broadcasting Co., Inc.) and Hearst-Argyle Television, Inc. (incorrectly sued herein as Hearst-Argyle Station Inc. and WCVB TV (Channel 5, Boston)) (collectively, the “Broadcast Defendants”), answer the Amended Complaint of Plaintiff, Leon Robinson (“Mr. Robinson”), as follows:

1. This Paragraph states contentions of law concerning the allegations contained in the Amended Complaint which speak for themselves and to which no response is required.

## JURISDICTION

2. This Paragraph states contentions of law concerning the allegations contained in the Amended Complaint which speak for themselves and to which no response is required.

3. The Broadcast Defendants are without sufficient information to admit or deny the allegations of this Paragraph and therefore deny same.

4. The Broadcast Defendants admit that Mayor Menino is a citizen of Boston, Massachusetts and are without sufficient information to admit or deny the remaining allegations of this Paragraph and therefore deny same.

5. The Broadcast Defendants admit that American Broadcasting Companies, Inc. (“ABC”) has a principal place of business in New York, and otherwise deny the allegations of this Paragraph.

6. The Broadcast Defendants admit that Hearst-Argyle Television, Inc. (“Hearst-Argyle”) owns WCVB-TV Channel 5 in Boston, Massachusetts, and otherwise deny the allegations of this Paragraph.

7. Admitted.

8. The Broadcast Defendants are without sufficient information to admit or deny the allegations of this Paragraph and therefore deny same.

**PARTIES**

9. Denied.

10. Admitted.

11. Denied.

12. The Broadcast Defendants are without sufficient information to admit or deny the allegations of this Paragraph and therefore deny same.

13. The Broadcast Defendants are without sufficient information to admit or deny the allegations of this Paragraph and therefore deny same.

14. The Broadcast Defendants are without sufficient information to admit or deny the allegations of this Paragraph and therefore deny same.

15. The Broadcast Defendants are without sufficient information to admit or deny the allegations of this Paragraph and therefore deny same.

16. The Broadcast Defendants are without sufficient information to admit or deny the allegations of this Paragraph and therefore deny same.

17. The Broadcast Defendants are without sufficient information to admit or deny the allegations of this Paragraph and therefore deny same.

18. The Broadcast Defendants admit that plaintiff has sued ABC herein and otherwise deny the allegations of this Paragraph.

19. The Broadcast Defendants admit that WCVB-TV Channel 5 is owned by Hearst-Argyle and is located at 5 TV Place in Needham, Massachusetts, admit that WCVB-TV Channel 5, is an affiliate station of ABC in that it carries ABC programming but is not owned by ABC, admit that Hearst-Argyle is a defendant herein, and otherwise deny the allegations of this Paragraph.

20. The Broadcast Defendants admit that WCVB-TV Channel 5 is owned by Hearst-Argyle and is located at 5 TV Place in Needham, Massachusetts, admit that WCVB-TV Channel 5 is an affiliate station of ABC in that it carries ABC programming but is not owned by ABC, admit that ABC produced the network program Boston 24/7, and otherwise deny the allegations of this Paragraph.

20A. The Broadcast Defendants admit that Dennis McCarthy performed work as an independent contractor for ABC in connection with the filming of the Boston 24/7 television program, admit that Mr. McCarthy has been named a defendant herein and otherwise deny the allegations of this Paragraph.

20B. The Broadcast Defendants are without sufficient information to admit or deny the allegations of this Paragraph and therefore deny same.

### **FACTS**

20C. Denied.

21. The Broadcast Defendants deny that McCarthy entered plaintiff's residence, are without sufficient information to admit or deny the remaining allegations of this Paragraph and therefore deny same.

22. Denied.

23. Denied.

### **COUNT I**

24. The Broadcast Defendants repeat and reallege their responses to each of the above-numbered Paragraphs inclusive as though fully set forth herein.

Unnumbered paragraph. Denied.

Unnumbered paragraph: Denied.

## **COUNT II**

25. The Broadcast Defendants repeat and reallege their responses to each of the above numbered Paragraphs inclusive as though fully set forth herein.

Unnumbered paragraph. Denied.

Unnumbered paragraph. Denied.

## **AFFIRMATIVE DEFENSES**

### **First Defense**

Each and every Count of the Amended Complaint fails to state a claim upon which relief may be granted.

### **Second Defense**

Plaintiff's claims are barred by the doctrines of waiver, estoppel, and laches.

### **Third Defense**

Plaintiff's claims are barred in whole or in part because of the absence of damages.

### **Fourth Defense**

Plaintiff's claims are barred by the doctrine of unclean hands and similar doctrines.

### **Fifth Defense**

Plaintiff's claims are barred by the statute of limitations.

### **Sixth Defense**

Plaintiff's claims are barred for lack of state action.

WHEREFORE, the Broadcast Defendants respectfully requests that the Court:

- a. enter judgment in their favor;
- b. award them their costs and expenses; and
- c. enter such further relief as this Court deems just and proper.

Respectfully submitted,

**AMERICAN BROADCASTING COMPANIES,  
INC. and HEARST-ARGYLE TELEVISION,  
INC. d/b/a WCVB-TV CHANNEL 5,**

By their attorneys,

/s/ Brandon L. Bigelow

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***Of counsel:***

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Dated: August 11, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the plaintiff Leon Robinson (A-225594), Old Colony Correctional Center, Bridgewater, MA 02324 and on counsel of record for the defendants by first class mail and electronically via the ECF/CM on August 11, 2005.

/s/ Brandon L. Bigelow

Brandon L. Bigelow